

House Study Bill 91

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL
BRANCH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to judicial branch records and providing
2 effective dates.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1404XD 83
5 rh/rj/8

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1 1 Section 1. NEW SECTION. 22.0A PURPOSE.
1 2 The purpose of this chapter is to provide as much
1 3 transparency in government operations as possible consistent
1 4 with the need to avoid undue invasions of personal privacy and
1 5 the need to avoid significant interference with the
1 6 achievement of other important and legitimate state
1 7 objectives.
1 8 Sec. 2. NEW SECTION. 22.15 JUDICIAL BRANCH == RULES.
1 9 This chapter does not apply to government records owned,
1 10 created, possessed, or under the control of the judicial
1 11 branch. The supreme court shall prescribe rules governing
1 12 access to such records consistent with the provisions of this
1 13 chapter.
1 14 Sec. 3. Section 232.41, Code 2009, is amended to read as
1 15 follows:
1 16 232.41 REPORTER REQUIRED.
1 17 Stenographic notes or mechanical or electronic recordings
1 18 shall be taken of all court hearings held pursuant to this
1 19 division unless waived by the parties. The child shall not be
1 20 competent to waive the reporting requirement, but waiver may
1 21 be made for the child by the child's counsel or guardian ad
1 22 litem. ~~Matters which must be reported under the provisions of~~
~~1 23 this section shall be reported in the same manner as required~~
~~1 24 in section 624.9.~~
1 25 Sec. 4. Section 232.94, Code 2009, is amended to read as
1 26 follows:
1 27 232.94 REPORTER REQUIRED.
1 28 Stenographic notes or electronic or mechanical recordings
1 29 shall be taken of all court hearings held pursuant to this
1 30 division unless waived by the parties. The child shall not be
1 31 competent to waive the reporting requirement, but waiver may
1 32 be made for the child by the child's counsel or guardian ad
1 33 litem. ~~Matters which must be reported under the provisions of~~
~~1 34 this section shall be reported in the same manner as required~~
~~1 35 in section 624.9.~~
2 1 Sec. 5. Section 232.115, Code 2009, is amended to read as
2 2 follows:
2 3 232.115 REPORTER REQUIRED.
2 4 Stenographic notes or electronic or mechanical recordings
2 5 shall be taken of all court hearings held pursuant to this
2 6 division unless waived by the parties. The child shall not be
2 7 competent to waive the reporting requirement, but waiver may
2 8 be made for the child by the child's counsel or guardian ad
2 9 litem. ~~Matters which must be reported under the provisions of~~
~~2 10 this section shall be reported in the same manner as required~~
~~2 11 in section 624.9.~~
2 12 Sec. 6. Section 252B.24, subsection 2, paragraph b, Code
2 13 2009, is amended to read as follows:
2 14 b. Provision to the unit of information filed with the
2 15 clerk of the district court by a party under section 598.22B-
~~2 16 and the social security number of a child filed with the clerk~~
~~2 17 of the district court under section 602.6111.~~
2 18 Sec. 7. NEW SECTION. 602.1615 JUDICIAL BRANCH RECORDS.
2 19 1. The supreme court shall prescribe rules regarding the

2 20 creation, storage, retention, duplication, reproduction, final
2 21 disposition, destruction, public availability, and security of
2 22 records of the judicial branch of government.

2 23 2. As used in this section, unless the context otherwise
2 24 requires:

2 25 a. "Administrative records" means all records other than
2 26 court records made or received pursuant to court rule or state
2 27 law, or in connection with the transaction of official
2 28 business of any judicial branch entity.

2 29 b. "Court records" means all contents of the court file,
2 30 including the docket and other similar records generated to
2 31 document activity in a case, transcripts filed with the clerk,
2 32 documentary exhibits in the custody of the clerk, and
2 33 electronic or digital recordings, videotapes, and stenographic
2 34 tapes of court proceedings produced by means authorized by the
2 35 supreme court.

3 1 c. "Records" means records, regardless of physical form,
3 2 characteristics, or means of transmission, made or received in
3 3 connection with the transaction of official business of the
3 4 judicial branch of government, consisting of court records and
3 5 administrative records.

3 6 Sec. 8. Section 602.8103, subsections 2 and 3, Code 2009,
3 7 are amended by striking the subsections.

3 8 Sec. 9. Section 607A.47, Code 2009, is amended to read as
3 9 follows:

3 10 607A.47 JUROR QUESTIONNAIRE.

3 11 The court may, on its own motion, or upon the motion of a
3 12 party to the case or upon the request of a juror, order the
3 13 sealing or partial sealing of a completed juror questionnaire,
3 14 if the court finds that it is necessary to protect the safety
3 15 or privacy of a juror or a family member of a juror, including
3 16 the safety or privacy of a juror or a juror's family member
3 17 who has been the victim of sexual or domestic abuse.

3 18 Sec. 10. Section 602.6111, Code 2009, is repealed.

3 19 Sec. 11. Sections 624.9 through 624.11, Code 2009, are
3 20 repealed.

3 21 Sec. 12. EFFECTIVE DATE.

3 22 1. Except as provided in subsection 2, this Act takes
3 23 effect January 1, 2010.

3 24 2. The section of this Act amending section 607A.47 takes
3 25 effect July 1, 2009.

3 26 EXPLANATION

3 27 This bill relates to judicial branch records and provides
3 28 an effective date.

3 29 The bill provides that the provisions of Code chapter 22
3 30 (Iowa's open records law, relating to the regulation of
3 31 records of a government body as defined in that chapter) do
3 32 not apply to government records owned, created, possessed, or
3 33 under the control of the judicial branch related to the
3 34 performance by the courts of their judicial functions, however
3 35 the supreme court shall prescribe rules governing access to
4 1 such records consistent with the purposes of Code chapter 22.
4 2 The bill provides that the purpose of Code chapter 22 is to
4 3 provide as much transparency in government operations as
4 4 possible consistent with the need to avoid undue invasions of
4 5 personal privacy and the need to avoid significant
4 6 interference with the achievement of other important and
4 7 legitimate state objectives.

4 8 The bill provides that the supreme court shall prescribe
4 9 rules regarding the creation, storage, retention, duplication,
4 10 reproduction, final disposition, destruction, public
4 11 availability, and security of records of the judicial branch
4 12 of government. The bill defines a judicial branch record as a
4 13 record, regardless of physical form, characteristic, or means
4 14 of transmission, made or received in connection with the
4 15 transaction of official business of the judicial branch of
4 16 government, consisting of court records and administrative
4 17 records. "Administrative record" means all records other than
4 18 court records made or received pursuant to court rule or state
4 19 law, or in connection with the transaction of official
4 20 business of any judicial branch entity, and "court record"
4 21 means all contents of the court file, including the docket and
4 22 other similar records generated to document activity in a
4 23 case, transcripts filed with the clerk, documentary exhibits
4 24 in the custody of the clerk, and electronic or digital
4 25 recordings, videotapes, and stenographic tapes of court
4 26 proceedings produced by means authorized by the supreme court.

4 27 The bill eliminates certain discretionary powers of a clerk
4 28 of court relating to certain methods of reproduction and
4 29 destruction of original court records.

4 30 The bill provides that the court may, on its own motion, or

4 31 upon the motion of a party to the case or upon the request of
4 32 a juror, order the sealing or partial sealing of a completed
4 33 juror questionnaire, if the court finds that it is necessary
4 34 to protect the safety or privacy of a juror or a family member
4 35 of a juror, including the safety or privacy of a juror or a
5 1 juror's family member who has been the victim of sexual or
5 2 domestic abuse.
5 3 The bill repeals Code sections relating to trial court
5 4 practice and procedure including the elimination of certain
5 5 reporting and certification requirements and makes conforming
5 6 changes to certain reporting requirements in juvenile justice
5 7 proceedings.
5 8 The bill repeals a Code section requiring that certain
5 9 identification information be filed with the clerk of the
5 10 district court including social security numbers.
5 11 The bill takes effect on January 1, 2010, except that the
5 12 section of the bill relating to the sealing of juror
5 13 questionnaires takes effect on July 1, 2009.
5 14 LSB 1404XD 83
5 15 rh/rj/8.1